IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 884 of 1996

Between:

E. Mallaiah S/o. Ramaiah
R/o. Pedda Shahpur, Shamshabad Mandal,

Ranga Reddy District.

..... PETITIONER

AND

1 The Project Director,

District Rural Development Agency,

Ranga Reddy District,
Door No. 11-5-423/1, Lakdi-ka-pul, Hyderabad.
2 The Accounts Officer, District Rural Development Agency,
Door No.11-5-423/1, Lakdi-ka-pool, Hyderabad.
3 The Presiding Officer, Labour Court - III,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order or direction in the nature of Writ of Certiorari after calling the records from the Labour Court-III, Hyderabad, quash the award passed by the Labour Court-III in I.D.No.545/95 dt. 31-3-95 and consequently direct the respondents to reinstate the petitioner into service with all other attendant benefits and Back Wages.

Counsel for the Petitioner: MR.V.VISWANATHAM

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

The Court made the following :

ORDER:

This writ petition is filed by the workman assailing the award passed by the Labour Court-III, Hyderabad in I.D.No.545 of 1993, dated 31-03-1995, wherein the claim petition filed by the petitioner-workman under Section 2A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') was rejected and no relief was granted.

It is the case of the petitioner-workman that he was appointed by the 1st and 2nd respondents herein on 17-01-1992 as a watchman and his services were being utilized as data entry operator. He was paid consolidated salary of Rs.750/- per month, which was increased to Rs.900/- per month. He worked in that capacity till 31-08-1992 and with effect from 01-09-1992, surprisingly, the services of the petitioner were orally terminated without any prior intimation and also without following the due procedure as prescribed under Section 25 F of the Act. Before the Labour Court, the 1st and 2nd respondents filed a detailed counter denying the allegations made by the petitioner. It was the case of the management that the petitioner was taken on daily wage basis and he was being paid Rs.25 per day. He was entrusted with the duty of looking after the cattle shandy organized by the District Rural Development Agency at the premises of the Meat and Poultry Export Development Corporation at Saroornagar from 17-01-1992. He was paid the wages for the days he worked. The duties performed by the petitioner-workman were that of a night Watchman. Since the cattle shandy was not in existence, there was no need to have a night watchman and thereby he was asked not to attend to his duties with effect from 01-09-1992. No written appointment order was given to the petitioner-workman nor he accrued any right for being continued or for being put on notice for following the procedure as prescribed under Section 25 F of the Act by the respondents. He had not completed 240 days, even if the public holidays and Sundays are included.

Before the labour Court, the petitioner examined himself as W.W.1 and no documents were marked on his behalf. On behalf of the management, M.Ws 1 and 2 were examined and Exs.M.1 to M.25 were marked. After appreciation of the entire evidence on record, the Labour Court came to the conclusion that the petitioner had not worked continuously for 240 days preceding the date of termination and as such he is not entitled to any relief and since the management has not violated the mandatory provisions of Section 25(1) of the Act, the Labour Court rejected the claim of the petitioner and did not grant any relief.

Admittedly, the petitioner has not placed any evidence to show that he has worked for more than 240 days preceding the date of his termination from service i.e., on 01-09-1992. Even according to his own statement, he was appointed as a watchman w.e.f. 17-01-1992 and his services were terminated w.e.f. 01-09-1992. Even, assuming that he has worked continuously inclusive of public holidays and Sundays, he has not completed 240 days to invoke the provisions of Section 25 F of the Act.

Therefore, the conclusions arrived at by the Labour Court cannot be faulted with. There is no error committed by the Labour Court calling for interference of this Court.

The writ petition is devoid of merits and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

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20-01-2005

vs

To

1 The Project Director,

District Rural Development Agency,

Ranga Reddy District,
Door No. 11-5-423/1, Lakdi-ka-pul, Hyderabad.

2 The Accounts Officer, District Rural Development Agency,
Door No.11-5-423/1, Lakdi-ka-pool, Hyderabad.

3 The Presiding Officer, Labour Court - III,
Hyderabad.

4 2CCs to the G.P for Panchayat Raj and Rural development,

High Court Buildings, Hyderabad(O.U.T).

5 2CD copies.